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and Dunning Enterprise, Inc.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

EBAY, INC.,

Plaintiff,

v.

DIGITAL POINT SOLUTIONS, INC., SHAWN
HOGAN, KESSLER'S FLYING CIRCUS,
THUNDERWOOD HOLDINGS, INC.,
TODD DUNNING, DUNNING ENTERPRISE, INC.,
BRIAN DUNNING, BRIANDUNNING.COM, and
DOES 1-20,

Defendants.

CASE NO.: CV-08-4052 JF PVT

**DECLARATION OF CATHLEEN
S. YONAHARA IN SUPPORT OF
MOTION TO STAY CIVIL
ACTION PENDING RESOLUTION
OF CRIMINAL PROCEEDINGS**

Date: November 20, 2009
Time: 9:00 a.m.
Dept.: Courtroom 3, 5th Floor
Honorable Jeremy Fogel

1 I, Cathleen S. Yonahara, declare:

2 1. I am a member of the Bar of the State of California and I am admitted to practice
3 before this Court. I am an attorney in the firm of Freeland Cooper and Foreman LLP, 150 Spear
4 Street, Suite 1800, San Francisco, California 94105, counsel for defendants Todd Dunning and
5 Dunning Enterprise, Inc. in this matter.

6 2. I have personal knowledge of the facts contained in this Declaration and I am
7 competent to testify to these facts.

8 3. Attached hereto as Exhibit A is a true and correct copy of the Declaration of Seyamack
9 Kouretchian in Support of Defendants Digital Point Solutions, Inc. and Shawn Hogan's Motion to
10 Stay Proceedings filed in this case on October 16, 2009 (Doc. No. 140-1).

11 4. Attached hereto as Exhibit B is a true and correct copy of Plaintiff and Cross-
12 Defendant Commission Junction, Inc.'s Witness List filed in the case of *Commission Junction, Inc. v.*
13 *Thunderwood Holdings, Inc.*, Superior Court, Orange County, Case No. 30-2008 00101025 served on
14 March 3, 2009. I am informed and believe that among the 48 witnesses listed, at least 23 are current
15 or former employees of Commission Junction, Inc., and at least 5 are current or former eBay
16 employees.

17 I declare under penalty of perjury under the laws of the State of California and the United
18 States that the foregoing is true and correct.

19 Executed on the 6th day of November, 2009 at San Francisco, California.

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21 _____/s/
22 Cathleen S. Yonahara
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